

From the Raleigh Sentinel.
The "Constitutional Convention."
(So-called.)

MORNING SESSION.

THURSDAY, FEB. 27, 1868.

The Convention was called to order at 10 o'clock.
Prayer by the Rev. Mr. Pepper. (Chaplain of 40th U. S. Colored Troops.)
Mr. Chandler moved to adjourn until 7 o'clock this evening, but withdrew it in order to allow Mr. Hodnett to rise to a question of privilege.

Mr. Hodnett wished to know by what authority the postage on large packets of mail that regularly went from this Hall every day, was paid out of the people's money. He thought that they received half enough per cent to pay for their own correspondence.

Mr. Rich rose to a point of order, saying that the gentleman was not speaking to a question of privilege.

The Chair then ruled that a resolution in regard to the matter should be offered.

Mr. Hodnett replied that various Conservative gentlemen had endeavored to call attention to this matter, but had not succeeded in gaining a recognition from the Chair.

He, in the name of the people of the State, and in the name of his constituents, denounced this illegal appropriation of the people's money.

Various other points of order were sprung upon Mr. Hodnett, when he took his seat, saying, "yes, you rule out of order everything that has a tendency to show to the people the reckless extravagance with which you squander their money."

Mr. Chandler renewed his motion to adjourn.

Mr. Tourgee moved to amend by saying 10 o'clock, to-morrow, and the motion, as amended, prevailed.

MORNING SESSION.

FRIDAY, FEB. 28, 1868.

The Convention was called to order at 10 o'clock.

Prayer by the Rev. Warlick (negro).

Leave was granted the Committee on Internal Improvements to sit during the session of the Convention to-day.

RESOLUTIONS, ORDINANCES, &c.

By Mr. Ellis: A resolution that the mail matter sent by this body at the expense of the State is without precedent and should be at once stopped. Lies over.

CALENDAR.

The ordinance of Mr. King, of Lenoir, allowing the widow of any testator to enter her dissent in certain cases, was taken up.

Mr. Jones, of Washington, thought it should go through the hands of a Committee before action.

Mr. King wished to have a vote on it now.

After some debate it was referred to the Committee on Judiciary.

Mr. Andrews' ordinance, concerning a reduction of the State tax upon Theatrical and Concert Troupes, was taken up.

Mr. Abbott thought the present tax amounted to almost a prohibition, and the tax provided for by the ordinance was reasonable and would, in fact, prove a source of revenue to the people.

Mr. Welker objected.

Mr. McDonald, of Chatham, favored the passage of the ordinance.

Harris, of Wake (negro), also favored it.

Mr. Colgrove thought they should go on and frame a constitution, and then moved to lay the ordinance on the table.

Harris, of Wake (negro), called the previous question. The call was sustained.

The yeas and nays were called upon the passage of the ordinance, and resulted—yeas 61, nays 28.

SPECIAL ORDER—REPORT OF THE COMMITTEE ON THE JUDICIARY.

On motion of Mr. Rodman section 5 was read and adopted.

Section 6 was amended and adopted.

(Section 8 was adopted the other day.)

Section 9 was adopted without debate.

In section 10, on the ordinance of Orange, objected to the words "and its (the Supreme Court's) decisions shall be remitted to the Courts below," but, after some little debate, Mr. Graham said he would waive his amendment on this reading, and the section was then adopted.

Section 11 was adopted.

Section 12 already adopted.

Section 13, laying off the Judicial Districts, was adopted.

Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 (already passed) 27, 28 and 29 adopted.

Mr. Chandler moved an additional section, providing for the election of Justices of the Peace by the qualified voters of the county, to hold office for six years.

Mr. Tourgee said that the committee intended to introduce a section, providing for Justices of the Peace, and he withdrew it at the request of Mr. Rodman, on being told that the committee would report a section covering this ground.

Section 30 was amended and adopted.

Section 31 was adopted.

Mr. Tourgee moved to reconsider the vote on section 24. Carried.

Mr. T. moved to amend, by adding, "and Constitution of the United States."

Mr. Graham, of Orange, said he would have no objection to the words "and Constitution of the United States and laws made in pursuance thereof." He offered an amendment to that effect.

Mr. Tourgee did not desire to give the Judges power at present to enforce any law, in conflict with the laws or Constitution of the United States. He wished to limit their power as to the laws of the old State.

Mr. Graham called for the yeas and nays upon his amendment, which was refused and his amendment was rejected.

Mr. Tourgee's amendment was put to a vote and carried.

The section was amended as adopted.

The vote on section 26 was, on motion of Mr. Heaton, reconsidered.

Mr. Heaton moved to substitute "35" instead of "16" years as the tenure for Judges of the Supreme Court.

Mr. Tourgee objected to the proposed amendment.

Mr. McDonald, of Chatham, supported it.

Mr. Heaton said that when he first saw the report of the committee after it was determined to make the office elective, he was perfectly astonished at the long term proposed. It was directly in conflict with their action in adopting the popular system. You might as well put a man in for life, as for sixteen years.

He did not believe he could hardly go eight—He thought it was long enough.

Mr. Rodman said that the committee and he reported a long term, because they wished to make the elective system as little objectionable as possible, and to keep the judges from being controlled by party influences. He had, from the first, opposed the elective system, but had yielded to the expressed sense of the Convention. He wished to take every possible precaution to preserve the bench from all temptation and corruption.

Mr. Tourgee opposed any short term—his list of objections, he stated that gentlemen nominated by the Convention yesterday, accepted the nomination upon the hypothesis that the terms were to be long ones.

Mr. Congleton moved to strike out "sixteen" and insert "six."

Mr. Jones, of Washington, said that such was the attachment to the present system felt by some of the committee, that

they had, before making a definite report, asked instructions of the Convention in the matter. The Convention decided to make the whole Judiciary Department elective by the people. (The committee) had bowed to their decision and reported accordingly, and he thought that, in respect to those men who had yielded their opinion in this matter, gentlemen should not oppose this far compromise. He (Mr. J.) was really opposed to the elective system, but his objections had been overruled and he yielded to the expressed wish of the majority, but he thought long terms was now the only safeguards against temptation and corruption.

The question recurred upon Mr. Congleton's amendment, which was put to a vote and lost.

Mr. Tourgee moved to amend Mr. Heaton's amendment by striking out "35" and inserting "12."

Mr. Nicholson said that at first he had opposed the change, but having been overruled, he now favored the long term of office. He would vote for Mr. Tourgee's amendment.

Mr. Ray advocated a short term; he would vote for eight and no more.

Mr. King, of Lenoir, thought long terms the safest course; he would vote for Mr. Tourgee's amendment.

The question recurred upon Mr. Tourgee's amendment; the yeas and nays were called and the vote stood; yeas 45, nays 53.

The question recurred upon the adoption of Mr. Heaton's amendment.

Mr. McDonald, of Chatham, called for the yeas and nays.

The call was sustained, and the roll being called, the vote resulted, yeas 64, nays 31.

Mr. King, of Lenoir, offered an additional section to come in between sections 26 and 27, providing for the removal of Judges, on account of mental and physical disabilities, by the Legislature. Lost.

Mr. Heaton moved to amend, by striking out, in line 6, the word "twelve" and inserting "six." (Term of Superior Court Judges.)

Hood (negro) moved to amend that amendment, by striking out "six" and inserting "eight." Carried.

The amendment, as amended, was adopted.

The section, as amended, was adopted.

Mr. Heaton asked the Hall for the use of J. F. Taylor, to lecture on the Judiciary, to-morrow evening.

Mr. Tourgee stated that the Republican State Committee wished to hold a caucus in it on that night.

Mr. Heaton withdrew the application.

On motion of Mr. McDonald, of Chatham, the House adjourned until 7 o'clock this evening.

NIGHT SESSION.

FRIDAY, FEB. 28, 1868.

The Convention was called to order at 7 o'clock.

The Chair announced the following gentlemen as the committee on the Ashley-Durham bill: Messrs. Daniel, Nicholson, Rich, Ellis and Parker.

On motion of Mr. Sweet, the report of the committee on Legislative Department was taken up.

Sections 1, 2 and 3 were adopted.

When section 4 was reached Mr. Sweet moved that the supplementary report of the committee be substituted for section 4.

The question was taken first on the caption and carried.

The question recurred on the distribution of the different districts, as reported in the supplementary section.

Mr. Sweet moved the appointment of the first district be adopted. Carried.

Mr. Sweet moved that the county of Tyrrell be transferred from the third to the second district.

The second and third districts were adopted.

The appointment, as reported, of Senatorial Districts, from No. 4 to No. 20 inclusive, was adopted.

In the first district, Mr. Merritt moved a division—that each county (Person and Granville) have one Senator.

Mr. Rodman objected.

Mr. Merritt's amendment was put to a vote and lost.

The appointment, as reported, was adopted for the remaining districts.

The entire section was then declared adopted.

Sections 5, 6, 7 and 8 were adopted.

In section 9 Mr. May moved to amend by adding a property qualification of five hundred dollars.

Mr. Holt called for the yeas and nays, which were refused him.

The amendment was put to a vote and lost.

The section, as then reported, was adopted.

In section 10 Mr. Abbott moved to strike out the words "House of Commons" and insert the words "House of Representatives." Carried.

Mr. Colgrove offered the following substitute for the whole section:

"Each representative shall be a qualified elector, and reside in the county twelve months before the election."

The Chair called for the yeas and nays, which were refused him.

Mr. Sweet, accepted the substitute and it was adopted.

Sections 11, 12 and 13 were adopted.

For section 28 Mr. Sweet offered the following substitute, which was adopted:

"The terms of office of Senators and members of the House of Representatives shall commence at the time of their election, and the terms of office of those elected at the first election held under this Constitution shall terminate at the same time as if they had been elected at the first ensuing regular election."

Section 29 was adopted.

Section 30 was amended by the insertion of a proviso, requiring the General Assembly to assemble at least 15 days after the adjournment of the Convention by the people.

The section, as amended, was adopted.

The bill, having been read three times, was put on its final passage as a whole, and it was adopted.

On motion of Mr. French, of Bladen, the House adjourned.

MORNING SESSION.

SATURDAY, FEB. 29, 1868.

The Convention was called to order at 10 o'clock.

Prayer by the Rev. Mr. Ashley, of the Convention.

A resolution of the late Radical nominating Convention declaring it as the sense of that body that "rebels" should be disfranchised, was read.

Mr. McDonald, of Chatham, moved to lay it on the table.

Mr. Graham, of Orange, called for the yeas and nays on the motion.

After some colloquy and personal explanations, Messrs. McDonald and Graham insisted upon the yeas and nays being called, but they were refused, and the resolution was tabled by acclamation.

The hour for the special order having arrived,

Mr. Ellis moved to postpone the same to act upon his resolution introduced concerning the mail matter of this body.

The motion was lost, and the House refused to postpone.

The Judiciary report was taken up.

Mr. Rodman moved to reconsider the vote on the 29th section. Carried.

He then moved to strike out that portion allowing the people to elect the Superior Court Judges, and insert "by the Governor." In case of a vacancy existing for any cause, in any of the offices created by this section, the

Clerk of the Superior Court may fill the same for the unexpired term."

Mr. Watts moved to amend by striking out "Clerk of the Superior Court," and say that "the County Commissioners shall appoint the officers."

Mr. Tourgee moved that the report be printed with the amendment. Adopted.

Mr. Rich moved to strike out, in the 1st section, "3" and insert "5."

Mr. Hodnett objected. He said that the first proposition was exceedingly liberal, and he opposed the amendment. Three hundred dollars worth of personal property, one thousand dollars worth of real estate, and property for the wife, separate from the husband, he deemed sufficient.

The amendment was put to a vote and adopted.

Mr. Tourgee moved to strike out all after the word "debt," in the 5th line, 1st section. He advocated his amendment. He thought the latter part of the section would tend to deprive men of the benefit of the present law, (among the few that he could praise the late Legislature for). He favored the passage of a retrospective homestead law. He was willing to see the report pass its 2nd reading, but thought that final action should be postponed until the matter could be more thoroughly considered.

Mr. Abbott was favorable to a liberal homestead. Many States have \$8,000; other \$5,000. He had voted for Mr. Rich's amendment, and thought a homestead should be at least \$3,000.

Mr. Jones, of Caldwell: A retrospective homestead of \$3,000?

Mr. Abbott: I am not now dealing with it. When it comes up, I will consider it.

Mr. Jones, of Washington, expressed himself as in favor of a most liberal homestead, of a prospective nature, but he thought one of a retrospective nature could not be legally passed by this body. He wished a liberal homestead, and, at the same time, a uniform one, neither too extensive nor too liberal.

Mr. McDonald, of Chatham, also favored a homestead law of a retrospective nature. He was a relief man—come in what shape it would.

Galaway (negro) would vote for a homestead that would protect the widow and the orphan. The colored man did not get the benefit of the present law. He wished one that would protect all and did not tend to the reputation of honest debtors, and after discussing the matter at some length, he wound up by saying, in reply to some of Mr. McDonald's objections, that what he had said or done, he had drawn his language to Raleigh by the right road.

Mr. McDonald was about to show his papers in regard to the matter, when

Harris, of Wake, (negro) arose to a point of order in his behalf. He was sustained, and Mr. McDonald took his seat.

After some debate participated in by Harris, of Halifax, (negro), and Mr. Jones, of Caldwell,

Mr. Heaton arose and said that the amendment had a retrospective effect, and it was tinctured with repudiation. That was the issue. The sentiments of the delegate from Guilford (Mr. Tourgee) were well known to be repudiatory, and all who voted for his amendment would vote for repudiation. He was in favor of a liberal homestead, but he could not consistently stand here, after taking an oath to support the Constitution of the United States, and advocate the passage of this measure, which meant nothing more nor less than repudiation.

Hood (negro) did not agree with Mr. Heaton as to this amendment meaning repudiation. He was as much opposed to repudiation as any man on the floor, but would vote for the amendment, as it did not even approach anything like repudiation.

Mr. Abbott said that it was well known that he strenuously opposed anything like repudiation, but he was rather inclined to favor Mr. Tourgee's amendment, as he thought the necessities of the people were so great that some relief should be afforded.

He was in favor of not arguing, now, the question, whether a retrospective homestead law was unconstitutional or not, but just say that we exempt so much and let the matter be with the courts, and, if they decided that it was unconstitutional, why, then, the matter would be settled.

Mr. Tourgee said that Mr. Abbott had stated the matter fairly.

The question recurred upon Mr. Tourgee's amendment, the yeas and nays were called for and had, and the vote stood, yeas 50, nays 39.

When the vote was announced, it excited great applause.

The section, as amended, was adopted.

In section 2d, Hood (negro) moved to strike out all after the word "debt," in 9th line.

Mr. Jones, of Caldwell, objected; he hoped the amendment would not prevail.

Mr. Tourgee then moved to strike out all after "debt," in the 9th line, down to the end of the 10th line.

The question being divided, the motion to strike out prevailed.

The question recurred on the amendment of Hood (negro), to striking out all after "Constitution," in the 10th line; and it was adopted.

Mr. Tourgee moved to insert, after the word "debt," in the 10th line, the following clause:

"Provided, That no sale or mortgage of the homestead shall be of any legal force, in case the owner of the homestead is in debt to the amount of one-third the value of the homestead, unless by the consent of the creditor, and the consent of his wife, signified on her private examination before a Clerk of the Supreme Court of the State."

Mr. Graham, of Orange, was opposed to this tying up a man's property. He was not in favor of a very large homestead, as a very large one would tend to the injury of the poor man. It would effectively kill his credit.

Hood (negro), offered the following substitute, which was adopted:

"Provided, That the homestead may be exchanged for other property of the same nature, by the owner thereof, with the voluntary consent of his wife, signified on her private examination before a Judge of the said State."

Mr. Chandler said that a retrospective homestead law of this nature was nothing more nor less than repudiation, and, if such a thing was incorporated in this Constitution, he would take the stump in his section against the ratification of the Constitution.

Mr. Abbott said that he held a man in contempt that allowed such words to fall from his lips in order to intimidate the Convention.

Mr. Chandler said he did not think that a young like him could intimidate the Convention, and he held any man in favor of repudiation in as much contempt as the gentlemen from New Haven could possibly hold him.

Harris, of Wake, (negro), next spoke in defense of the action of the Convention.

Mr. McDonald, of Chatham, and Mr. Jones, of Washington, called for the yeas and nays on the motion.

After some colloquy and personal explanations, Messrs. McDonald and Graham insisted upon the yeas and nays being called, but they were refused, and the resolution was tabled by acclamation.

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as they would reject one coming from the Conservatives, and he did not blame the

He represented a white constituency—one holding property and one largely in debt, but still they would, almost to a man, reject a Constitution, coming from what source it might, that contained any clause looking towards emancipation.

Mr. Heaton here asked leave to introduce a resolution requesting Gen. Canby to issue orders enforcing the ordinance in relation to relief, as some of the Superior Court Judges were disregarding it.

The rules were suspended, and the resolution passed.

The discussion of the 2d section was resumed, and after some little debate a motion to adjourn was made and carried.

From the Raleigh Sentinel.

The Negro-Radical Nominating Convention.

This body met in Tucker Hall, on yesterday morning. The attendance is large, that is of negroes. Three-fourths of those present are negroes; and leaving out Radical members of the so-called Constitutional Convention, (who are in attendance at \$8 per day), at least nine-tenths of the meeting are negroes.

The N. P. G. nominated Dr. Grissom, of Granville, for temporary Chairman, who was so overwhelmed by the doubtful honor, that he was only able to stammer out a few sentences of acknowledgment.

Galaway (negro), nominated Dr. Menninger, of Newbern, (white man, so-called) for the temporary Secretary.

W. R. Richardson, of Wake, nominated Marcellus Abbott (negro, vulgarly called "Tusk"), for Doorkeeper, and it was voted, greatly to "Tusk's" delight, (Mon: "Tusk" ought, by all means, to receive fully as much as Jim Jones does in other Conventions.)

The committee on permanent officers, afterwards reported the following:

President—C. L. Harris, (who voted against allowing negroes to testify in the Courts, in the Legislature of 1865-'66.)

A Vice President for each District.—One of whom Handy Lockert was which, and the other named "Bully" has been named.

Pro-Secretaries.—Only one of these was named, and he rejoiced in the name of Nabson.

Mr. Abbott moved that a committee on the nomination of candidates for State officers be appointed, to consist of five persons from each Congressional District. After doing so, he proceeded to explain the Judiciary system adopted by the Convention, and hoped that this Convention would make the Supreme Court bench consist of members instead of three, as at present.

The two of the gentlemen now on the Supreme Court bench, who ought to go on the Republican ticket. If the Republican party did not choose to nominate them, some other party might, and they would be of great strength to either party.

Mr. Heaton, of Washington, (white man) called for the yeas and nays on the nomination of candidates for State officers, and he was sustained.

Mr. Heaton arose and said that the amendment had a retrospective effect, and it was tinctured with repudiation. That was the issue. The sentiments of the delegate from Guilford (Mr. Tourgee) were well known to be repudiatory, and all who voted for his amendment would vote for repudiation. He was in favor of a liberal homestead, but he could not consistently stand here, after taking an oath to support the Constitution of the United States, and advocate the passage of this measure, which meant nothing more nor less than repudiation.

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